

# W O R D S & V i z i o n

UCFV FACULTY & STAFF ASSOCIATION NEWSLETTER

OCTOBER 2005

VOLUME 14, NUMBER 1

## FROM THE EDITOR...

### Lonesome Tonight?

Last AGM I signed up for Com Chair ... an honour to serve once again in an FSA Exec, doing something worthwhile for our membership and our institution. But this year especially, I've also been haunted by doubts, troubled by com-trepidation. The biggest question is this: What is it we are all about in the FSA, if not big C Communication? We reach out in a variety of ways, in person, through bulletins, on the net, and then there's this newsletter, *W&V*, to let us 'talk to each other', right, engage in dialogue? But it's been a long lonely time now since we've received an actual Letter to the Editor. What does it all mean? Is it that folks are quietly content with the way we're 'coming across' — or the opposite, that there is something awry in the communications equation?

Hard to say. On one hand, the feedback that comes my way about *W&V* — in hallways, e-messages, and low dives wherein I frequently encounter FSA colleagues — is quite positive. And actually, according to surveys we've done over the years, there appears to be little appetite for change of any kind to the current set-up. For instance, when members were asked several terms ago about the appropriateness of developing a heightened online identity for the FSA, with news/bulletins posted hourly, enhanced accessibility, cool hyperlinks, all that, the response was pretty much 'whatever' and that the green thing stuffed in the pigeonhole was the mode of choice.

On the other hand, if the goal is an ever-more-engaged membership as expressed by vigorous give-and-take in the Letters section and an abundance of members' articles vying for space on the page, then that sure ain't happening. Of course, when there's a specific problem in the workplace, or when a complex issue arises, calls for more info do come in lickedy-split. But that single issue, situational stuff is more like a one-night stand, not really what I mean by engagement. Shouldn't our relationship to the members be more holistic than that, deeper, more honest and, ultimately, more long-term? We are, after all, a bipartite group in our collective orientation, Faculty/Staff, with some distinctly polar concerns that would seem to require talking it over, sharing, caring, that sort of thing. So what is it that *you* really want from this association,

anyway? Should we be putting out publications in the new Summer Semester, too? Do *you* really care? Pardon all the rhetorical questions; such is the uncertain nature of trepidation. And, to quote that fine 1980s band, The Romantics, "everything about you is a mystery," and not just when you're sleeping.

### If It Moves You

The spirit, I mean. I've been reading stuff lately (vain attempt to ward off re-memorizing my UCFV access numbers after the summer break) about a growing spiritual movement across the spectrum, from debased forms like Satanism to Eco-tourism and beyond. Seems like some folks have finally given up on shopping as a religion, losing faith in the 'meaningful purchase' that will bring their lives to a bursting crescendo of perfect harmony — instead, they're looking for that elusive something in all kinds of places, including the workplace. Apparently people want more from their occupations than a meal ticket. Guess it shouldn't be too surprising; after all, we spend a significant part of each week — in fact, getting bigger according to recent stats, way over the old 40 hour mark — at our jobs, not to mention optional fretting at home in the wee hours.

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But I was a little taken aback to learn that this 9 to 5 spiritual trend is big biz, with a growing body of specialists in the field, and so on. Did you know, for instance, that Taco Bell (in the States), and many other such corporations, have on-site spiritual guides for workers with ethical/moral dilemmas? I didn't, and wondered vaguely if these facilitators would be Wiccans, chi-gongists, rabbis, shamens, leprechauns, or what, and how they would be chosen. Maybe denominations would depend on each outlet's demographic and problems, a corporate decision on which orientation would do the most good. For an under-producing outlet somewhere in the far-flung Taco empire, for instance, maybe a strong dose of muscular Xianity would make the burritos bustle. On the other hand, for IKEA, with its ubiquitous personnel problems caused by widespread blonde depression (all that flaxen hair and pale wood, too) how about some Haitian Voodoo rituals with lots of dark dreadlocks in the mix. And, closer to home, for academe, so rife with alienated, repressed, disengaged toilers? Think Shakerism — warm expressiveness encouraged from both genders, tonnes of frantic dancing, so lots of exchange, camaraderie, and communication, but no actual sex. Perfect for the modern edu-environment.

It all makes sense, really. People (well, most of them) have a soulful aspect; why not acknowledge it at work? No doubt you've seen that other side in your colleagues here, if not on the job than in more personal venues. And, of course, serving the spirit can be great from a Management pov too: spiritualized workers are, it seems, more productive, responsible, dedicated, less toxic, more smiley-faced, not so LTD prone, and so on.

### And if It Doesn't...

So, what about ol' UCFV anyway? It does embody a paradox. You'd think that a place of aspiring higher learning would naturally foster pan-dimensional spirituality, considering we routinely engage in moral, ethical, philosophical matters, have classes in those topics, even departments of them — and that we're clearly not in this just for the money, as our pay-stubs bear witness. But there is little evidence of such communality hereabouts, despite all our on-the-spot resources and my own bits of sleuthing. This is an odd fact, but one that goes pretty much for all such places of learning that I know.

Could be that we are too beaten-down by the beleaguered professional profile we share as Educators? Or does it have more to do with that self-conscious po-mo irony mask, the eclectic fallout from deconstructionism, intellectualism itself, that prevents us from expressing our inner lives more freely? Or is it simply anxiety, insecurity, a distrust of or disbelief in true collegiality? It would not be such a big deal to incorporate some of the above-cited inspiring ideas into our own workaday framework. We could even give it an educational spin. Why not have rotating spiritual advisors (not necessarily flying yogis) from different religious orientations? Think what that would do for inter-denominational and multi-cultural awareness in the Valley — a truly positive learning outcome.

Or maybe we should all just put our hands on the screen in Groupwise, and say a silent prayer of communion. Hey, I know; let's try it right now. Per chance we can tune into our collective soul or communal psi-energy electronically.... sort of like *Lawnmower Man*. Hang on, I'm getting something — warm, fuzzy, soothing, like flannel but even more profound. Now the whole screen is glowing with an other-worldly light, strobing, pulsating, colours flickering, my fingers tingling....

Nope, just a migraine starting up. Nevertheless, this may be a 'channel' we could explore for its potential to make our day-to-day better for all. Could be the first step to unifying our diversity and opening a true dialogue without barriers between us. Hmmm, maybe it's a Summer of Love flashback I'm having. I'll check to see if there's any software available for this virtual church-of-what's-happenin'-now. But how about you, pilgrim? Feeling spiritual?

Finally, back to reality: here are some post-summer reports, a mystery about a former FSA Pres cleared up, and several informative union-related pieces for your kind attention, plus an important request for information from you in the form of a questionnaire.

*-Peace, good vibes, unga bunga, R*

## OPEN LETTER TO THE FSA FROM PRESIDENT BASSFORD

I understand that the FSA has received several questions about what university status will mean to our curriculum and working conditions. What the Province has said is that there will be new "special purpose" universities created. This is an undefined term, but in meetings with the Ministry I have been told that "regional" university might fit the "special purpose" terminology. The model we have been discussing, and towards which the Board is pushing, is that of Thompson Rivers University. UCFV, with university designation, would continue to be as comprehensive as now, and would offer all of the programs we now offer. This would certainly include academic preparation, trades and technical training, along with our wide range of certificates, diplomas and degrees. I have requested that if we are designated through a new act (as was TRU) that the comprehensiveness be designated in the act itself. We do not want to drop what we now do; rather we want to do it better and to be able to do even more for the students of the Valley.

The change of name will not bring any change in the historical relationship of the FSA and senior administration. The collective agreement will remain in force, and be subject to change only by mutual agreement between the FSA and administration, as has been the case in the past. And of course our current employees, both faculty and staff, will still be our employees.

*-Skip Bassford*



## FROM THE PRESIDENT...

**Welcome!**

Welcome back and welcome aboard, though I know many of you have hardly been away. Summer semester is over, the re-construction work is almost finished, our enrollments have held while those at other institutions have fallen, God is in her heaven and we are still waiting to see what will become of the Chilliwack Campus, and whether we will get a regional university designation from the provincial government...

Not surprisingly the FSA summer was quite busy. The imposition of summer semester put more Faculty than ever on campus with new sets of hopes and fears, strained staff to the breaking point in key areas, and raised a number of questions about the summer program in the future. Re-construction and re-location on the Abbotsford Campus affected and continues to affect everyone, including the FSA which had to purchase new cabinets and re-arrange furniture to absorb the files which had heretofore been in the storage room next door. Some of you benefited from the old office equipment we sold you really cheap.

My June was consumed with meetings and annual general meetings. Our delegation attended the four day Federation of Post-Secondary Educators (FPSE) AGM in Kamloops. The following week saw our annual two day executive retreat in White Rock, with the FPSE President's Council meetings in Vancouver the next week before I flew to Montreal for the two day tri-annual general meeting of the National Union of the Canadian Association of University Teachers (NUCAUT), which was followed by the five day Canadian Labour Congress (CLC) general meeting, which was also in Montreal. Yes, the city of Montreal was the good part. The meetings were both interesting and productive, but also dreary and numbing as AGMs, especially AGMs with twenty-five hundred delegates that go on for five days, can be.

At home, in addition to the numerous routine inquiries from Staff and Faculty brought on by the summer term, Marna Levae, Bob Smith, and I combined to address a number of significant matters raised by Staff and Faculty.

On October 24<sup>th</sup> and 25<sup>th</sup> I will be in Victoria with the FPSE President's Council to meet with MLAs and relevant cabinet ministers to impress upon them our concerns regarding the cost and accessibility of post-secondary education, the absence of educators on key policy committees, and our increasingly uncompetitive salaries. The new government, faced with the outcome of the last election and an effective opposition, is trying to put on a new face, and by all accounts our new Minister is at least willing to listen intently to a variety of voices from the post-secondary community. What this new approach might amount to remains to be seen, but in the short run it is a pleasant relief from the rude, condescending manner of previous ministers.

On a different note, the major initiative arising from our Executive Retreat was the need for the FSA to find better ways to inform, hear and involve you in your association. There we decided to strike an Ad Hoc Member Outreach Committee which is in the process of considering and recommending new approaches. Everything from re-thinking our web cite, to member surveys, to the role of *Words & Vision*, to the scheduling of pension and other seminars, to electronic voting, to the FSA logo, to social activities are under consideration. Your ideas are more than welcome.

Out of this discussion came the idea to establish a presence at the Welcome Back BBQ. Thanks to the great work of Lisa Gower, Michelle Demers, and the gang from shipping, the FSA was able to set up their tent and buy free drinks for those in attendance at this annual event. If you weren't there you missed a good time, an excellent Cajun meal, and a free beer (or soft drinks).

**Designation**

As you are all aware, we still wait upon the pleasure of the government in Victoria as to whether or not we will be designated as a special purpose university along the lines of Thompson Rivers University (formerly University College of the Cariboo) in Kamloops. The government has indicated, though no official announcement has been made, that tiny Emily Carr will be so designated (their special purpose is obvious). But the government appears genuinely undecided as to which if any of Kwantlen, Malaspina, and UCFV, will drop the word college from their name. We are hoping to have word by the end of November or next March, but that might be optimistic.

The possibility of our change in status understandably evokes hopes, fears and rumors in the halls of UCFV. Should we get the coveted designation, the following things are clear at this point. First, we should note that such a change, while important to us and the communities and students of the Fraser Valley, is essentially cosmetic. It would amount to little more than recognition of what we are already doing. It guarantees no larger budget or more independence from the ministry than we have now. We would continue to expand seats and programs as we do now: that is only when we can talk the government into it or they otherwise feel obliged to do so. None of that will change.

Second, the big universities have lost their affection for incorporating university colleges into their multiversity structure as happened when UBC took over Okanagan University College and split it into UBC-O and Okanagan College. There, faculty who went to UBC-O became members of the UBC Faculty



## FACULTY CONTRACT ADMINISTRATOR

**(formerly called Faculty Grievance Chair)**

The issue of the scholarship requirement in the probationary evaluation procedure has re-surfaced. How is scholarship to be defined for the purposes of this evaluation procedure, especially as it is not defined in the procedure itself?

While a traditional definition turns on a cluster of research and publication activities, presentation of papers or workshops at conferences, editorial duties and the like, the Collective Agreement offers a broader definition in the list of terms in Article 1. In that definition the development of new courses is included. What about the revision of existing courses, which can be minor or major? In addition, there are differences and similarities among the terms 'scholarship', 'research', and 'professional development'. Some departments arrange a research option — a one course reduction — for new Faculty, so they might be better able to satisfy the scholarship requirement, while others do not. The members of the Labour-Management Committee (Senior Management and some FSA officers) are addressing this issue.

The assignment of courses according to Article 18.15 continues to be a work in progress, in particular the interpretation of the following, drawn from Step 1: "Course assignments will reflect the educational requirements and expertise with[in] the program area or department. Type B Faculty, regardless of seniority, are responsible for sharing the department's teaching duties on various campuses, across all time blocks. Department heads should make every effort to ensure that those aspects of the department's course load are rotated among Type B Faculty in an equitable manner." UCFV and the FSA interpret this passage much the same way and it's not new. It's agreed-upon language since 1999, but isn't always regarded within a department's work allocation and timetabling exercises.

Here's the rub: over time, Faculty establish patterns of work, especially time and location of course offerings. Then, as new hires come on board, those patterns must accommodate the new situation, according to the "regardless of seniority" phrase and the words "sharing" and "equitable," even though this can upset previous routines such as the number of weekdays on campus, outside employment, childcare arrangements, etc. In one case, new hires were expected to do a disproportionate share of inter-campus travel. This issue was resolved two years ago. We have responded to requests about the equity of course assignments and will continue to do so.

Departments that hire sessionals (a.k.a. part-timers, on-calls, temps) without posting and SAC procedures and do not follow-up with corrective postings and SAC reviews in two or three months invite controversy. A sessional hired without these procedures does not have internal candidate status by Article 11.4 (until they pass

probation, governed by Article 12.7(b)(iii), through no oversight of his/her own. He/She can work mega hours without that status, but a colleague who goes through the SAC procedure can acquire it right away, even within the same department. Hirings without posting and SAC procedures can smack of favouritism and a slack attitude toward a professional evaluation of qualifications. Requests for postings and ensuring SAC procedures take time, but going back to year one in the history of this institution SACs were entrenched in language and practice.

Recently, UCFV agreed in the Labour-Management Committee to waive official evaluations of ESL instructors offering 'split' courses, where two different curricula are taught to two different groups of students in the same classroom at the same time.

-Bob Smith

**PRESIDENT'S REPORT, CONTINUED...**

...from page 3

Association and subject to the terms of that collective agreement, whereas the faculty remaining at Okanagan College remained in the remnants of the old OUC Faculty Association. That won't happen to us—neither the big universities nor the government are even talking about it.

Third, Thompson Rivers University and the legislation which governs it is the model that would be applied here should the university designation occur. Like us, they have historically provided a comprehensive range of programs and classes and their new legislative mandate obliges them to continue to do so. Like us, they began as a community college, grew into a university college, and are now a regional, special purpose, university. And like us, their historical faculty association has evolved with the institution, adapting their collective agreement as is required by the expanding role of their institution, just as we here at UCFV have been doing over the past ten years. Later in the month I will be meeting with their faculty association president, Tom Friedman, to discuss in detail the challenges they are facing and the kinds of solutions that are under consideration.

Should the university designation be bestowed upon us, neither the UCFV Board, Management nor the UCFV Faculty and Staff Association propose or anticipate any change in the historical relationship between the FSA and our employers, nor do we propose or anticipate any change in comprehensive range of programs we offer to the communities of the Fraser Valley.

-Scott Fast



## STAFF CONTRACT ADMINISTRATOR

### (formerly called **Staff Grievance Chair**)

Welcome back to all returning Staff, and to all new Staff— welcome to UCFV! Working around the new Summer semester, I hope each of you had the chance to get a restful break over the summer, to relax and rejuvenate. I'm happy to be back serving you for another year, and ready to assist you in whatever way I can.

For new employees, or those who have not had the need or the opportunity to have a chat with me, here's a rundown of the kind of work I do:

- Interpretation of the Collective Agreement, and of practice or intent where there is nothing in the Collective Agreement about a specific issue
- Clarification of rights, rules, procedures, benefits, obligations of employees
- Issues between co-workers — roles, communication, conflict, etc.
- Issues regarding clarity, direction, communication or support from supervisors
- Concerns about procedures on postings/hirings/regularizations/work allocation
- Advocacy for employees in disciplinary procedures and dismissals
- Determining merit for grievances and handling grievances

My role involves a lot of listening and providing support, researching, negotiating, resolving, and referring. (Or is that refereeing?)

I have a long and varied employment history with UCFV, and, out of that, a personal understanding of many of the types of situations members encounter. I know what effect some of the above issues can have on you personally and professionally. As such, I advocate for you with empathy and with a personal commitment to your rights and your well-being as an employee at UCFV.

In addition to dealing with ongoing issues, my duties include participating on several committees:

- I sit on LAM (Labour and Management) along with Scott Fast, Kevin Busswood, Bob Smith, Skip Bassford, Barry Bompas, Wayne Welsh, and Diane Griffiths.
- I work on bargaining issues that relate to Staff along with Shelley Drysdale, the Contract Chair.
- As part of our affiliation with FPSE, I am a member of the FPSE Contract Administration Review Committee (CARC). This committee is comprised of faculty Contract Administrators/Grievance Chairs from other public post-secondary institutions in BC. (I am the only Staff Contract Administrator in FPSE.) We have two Friday/Saturday meetings in Vancouver twice per year, and email communications throughout the year.

- I work closely with the Staff Vice-President, Connie Cyrull, during her one-day per week release to help her become more familiar with the FSA's role at UCFV.

I'm in office B377, at local 4534, or [marna.levae@ucfv.ca](mailto:marna.levae@ucfv.ca). Please contact me anytime, or any other member of the FSA Executive, if you need clarification of your rights under the Collective Agreement, or simply have a question or a concern you'd like addressed. If you don't know who to ask about something, pop on by our office — we'll help, or head you in the right direction. Together, we can work towards an environment that is comfortable and respectful, supportive and effective for all employees. There are a lot of changes coming for UCFV in the next few years, and with that will come challenges as well as opportunities. Let's hope this is the start of a rewarding, enjoyable and productive year for everyone!

-Marna Levae



**FSA Member Cindy Pugsley and FSA Staff Vice-President Connie Cyrull modeling new UCFV backpacks at the 2005 Welcome Back BBQ.**





## SECRETARY/TREASURER REPORT

Followers of FSA business will recognize September as the month of two financial reports for the FSA. First, it has become the customary month our previous year-end review is presented. Second, the end of September marks the midpoint in our fiscal year so it is instructive to check our financial wellness at this point. Since the month end data is not all in, I shall save this latter review for the next newsletter.

I am pleased to present the findings of the independent financial review performed over this past summer by the accounting firm of Meyers, Norris, & Penny. The content of this review and letter to the Directors of the FSA is copied in its entirety in this newsletter below. As usual, the review pertains to the fiscal year that ended March 31. Since our AGM occurs in early May of every year, there is not enough time to enable the accountant's report to be concluded for that meeting. September has thus come to be the time this report is published to you. As a formality, you will be asked to pass a motion to *receive* this report at the next AGM..

The objective of an independent financial review is to ensure that our financial reporting is complete and accurate and our record keeping procedures are in conformity with generally accepted accounting principles. The review of this past year once again confirms that our records are accurate and our procedures are in order.

The financial review confirms our interim results for the fiscal year 2004-2005 as presented at the AGM last May. For those not at the

meeting, we accrued a surplus in our operation last year, and consequently we have reduced the dues check off from 1.5% to 1.4%. We are also scheduled for a dues holiday for the month of January, 2006. We are still predicting a modest surplus in this current fiscal year, and, if that is so, the Finance Committee may entertain a further dues remission.

Financial and administrative decision-making for the FSA Executive is informed by the work of the Finance and Administration Committee, the composition of which has recently changed (as directed by the Constitutional changes passed at the last AGM.) I would like to extend the members' appreciation for the diligent work of our outgoing members of this committee, Tim Cooper and Marna Levae, and I would like to welcome the new members, FSA Vice Presidents, Connie Cyrull (Staff) and Norm Taylor (Faculty). Scott Fast continues his tenure on this committee in his capacity as President and I as Secretary-Treasurer. Flo Kehler provides administrative support to this committee and manages the books. I am truly fortunate for such wonderful administrative support—thank you, Flo!

We will have sufficient information next month to report our semi-annual budget and expenditure position for the half-year ending September 2004, and that will be the scintillating subject of my next *Words & Vision* report. I welcome your comments and suggestions.

-Ian McAskil

### Review Engagement Report

To the Directors of the U.C.F.V. Faculty and Staff Association:

We have reviewed the statement of financial position of the U.C.F.V. Faculty and Staff Association as at March 31, 2005 and the statement of operations and net assets for the year then ended. Our review was made in accordance with Canadian generally accepted standards for review engagements and accordingly consisted primarily of enquiry, analytical procedures and discussion related to information supplied to us by the Association.

A review does not constitute an audit and consequently we do not express an audit opinion on these financial statements.

Based on our review, nothing has come to our attention that causes us to believe that these financial statements are not, in all material respects, in accordance with Canadian generally accepted accounting principles.

Abbotsford, British Columbia

June 29, 2005

Chartered Accountants



**U.C.F.V. Faculty and Staff Association**  
**Statement of Financial Position**  
*As at March 31, 2005*  
*(Unaudited)*

	2005	2004
<b>Assets</b>		
<b>Current Assets</b>		
Cash	22,895	30,859
Term deposits (note 2)	127,344	124,636
Accounts receivable	50,307	46,580
Prepaid expenses and deposits	-	150
	200,546	202,225
Investments (note 3)	153,366	154,763
Office equipment and furniture (note 4)	17,742	12,563
	371,654	369,551
<b>Liabilities and Net Assets</b>		
<b>Current liabilities</b>		
Accounts payable and accruals	10,149	77,075
<b>Net Assets</b>		
Invested in office equipment and furniture	17,742	12,563
Unrestricted	343,763	279,913
	361,505	292,476
	371,654	369,551

Approved by the board:

\_\_\_\_\_  
 Director

\_\_\_\_\_  
 Director



## U.C.F.V. Faculty and Staff Association

## Notes to the Financial Statements

For the year ended March 31, 2005

(Unaudited)

The Association is incorporated in the Province of British Columbia. Its primary purpose is to collect and manage various dues and fees relating to its members.

## 1. Summary of significant accounting policies

## (a) Term deposits

Term deposits are recorded at cost.

## (b) Investments

Long-term investments are recorded at cost.

## (c) Office furniture and equipment

Office furniture and equipment is recorded at cost. It is the policy of the Association to provide for the amortization of these assets over their estimated useful lives at 20% using the declining balance method.

## (d) Measurement uncertainty

The preparation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period.

## (e) Revenue recognition

U.C.F.V. Faculty and Staff Association follows the deferral method of accounting for revenue. Restricted revenue is recognized as revenue in the year in which the related expenses are incurred. Unrestricted revenue is recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

## (f) Income taxes

The Association is exempt from income taxes under the *Income Tax Act* ("the Act").

## 2. Term deposits

	2005	2004
Maturing September 2, 2005, earning interest at 2.05%	51,025	50,000
Maturing October 1, 2005, earning interest at 1.1%	17,710	17,320
Maturing November 2, 2005, earning interest at 1.35%	58,609	57,316
	\$ 127,344	\$ 124,636



## U.C.F.V. Faculty and Staff Association

## Notes to the Financial Statements

For the year ended March 31, 2005

(Unaudited)

## 3. Investments

	2005	2004
Nesbitt Burns, fixed income accounts, various rates and maturity dates (market value 2005 - \$162,716, 2004 - \$153,919)	153,366	154,753

## 4. Office equipment and furniture

	Cost	Accumulated Amortization	2005 Net Book Value	2004 Net Book Value
Office equipment and furniture	48,531	30,789	17,742	12,563

## 5. Cash flow statement

A cash flow statement has not been presented with these financial statements as the required information is readily apparent from the other financial statements or is adequately disclosed in the notes to the financial statements.



**U.C.F.V. Faculty and Staff Association**  
**Statement of Operations and Net Assets**  
*For the year ended March 31, 2005*  
*(Unaudited)*

	2005	2004
<b>Revenue</b>		
Dues and fees	537,700	517,190
AGM and social revenues	5,370	6,452
Investment income	6,319	3,813
	549,389	529,206
<b>Expenditures</b>		
Annual general meeting and social expenses	8,981	8,730
Amortization	3,367	2,673
Committee expenses	250	-
Communications	3,602	3,202
Delegate and seminar fees	2,623	1,222
Donations	3,970	3,755
Federation of Post Secondary Educators fees	226,865	216,236
Joint funding	4,066	4,000
Membership recognition	3,576	2,422
Office and miscellaneous supplies	7,105	9,031
Professional fees	6,115	5,062
Release time	129,405	134,247
Retreat	5,878	6,703
Salaries, wages and benefits	71,416	95,439
Travel and entertainment	3,454	3,475
	480,673	496,197
<b>Excess of revenues over expenditures for the year, before undernoted item</b>	68,716	33,009
<b>Gain on disposal of office equipment and furniture</b>	313	-
<b>Excess of revenues over expenditures</b>	69,029	31,257
<b>Net Assets, Beginning of Year</b>	292,476	261,219
<b>Net Assets, End of Year</b>	361,505	292,476



## FPSE PRESIDENT'S COMMENTARY

### Victory for Post-Secondary Educators In Court

#### Education Council Must be Consulted Rules BC Supreme Court

We are currently facing campaigns and battles on many fronts as post-secondary educators. I know that we sometimes wonder if the struggles are worth it, given the time and resources that they can take. There's nothing like a little victory to re-energize us and this commentary is about one such victory.

A recent decision of the BC Supreme Court confirming the advisory role of Education Councils in Colleges and Institutes under the 1996 *College and Institute Act* should be taken to heart by administrators and faculty associations throughout the province.

In April 2002, the Board and administration of Vancouver Community College made a decision to change the length of term in the largest department, English Language Skills (ELS), from three four-month terms a year to three three-month terms. This decision was made without consulting with the VCC Education Council. The administrative position was that it did not need to ask the Council for its educational advice as this was an "administrative operational decision".

The VCC Faculty Association (FPSE Local 15) disagreed: it was clearly a violation of the *College and Institute Act* which sets out a mandatory advisory role for the Education Council on specified education policy matters. The VCCFA, with the backing of the Federation of Post-Secondary Educators of BC, took Vancouver Community College to court in order to reaffirm the role of the Education Council in the development of education policy.

Shortly before the case was to come to court in 2004, VCC administration went an extra step and introduced a one-line *Policy on Changes of Length for Courses or Programs*: "The Vice President or delegate will approve changes in length or hours for courses or programs." The Education Council, it said, would be advised after the fact. VCC added this violation of the *Act* to its petition before the Court.

In her January 2005 judgment, Madam Justice J. Allan took VCC to task. Justice Allan affirmed the view of post-secondary educators that if the VCC Board wants to develop an educational policy on a matter listed in the relevant part (Section 23) of the *Act*, it must seek the advice of the Education Council. It cannot avoid such consultation by characterizing changes in the length of or hours for courses or programs as administrative operational decisions. Further, the 2004 policy delegating these decisions to the Vice

President of Education was an improper attempt to circumvent the legislation.

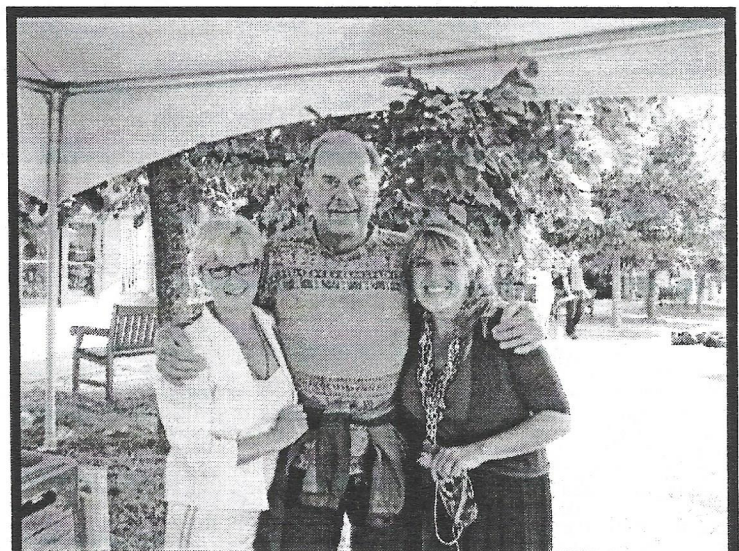
The decision is a major victory for shared governance. But it is also a wakeup call! Legislatively-mandated shared governance of educational facilities outside of traditional universities is not common in Canada. FPSE is rightfully proud of our contribution in shaping this legislation. When the Minister of Skills, Training and Labour introduced the amendments to the *College and Institute Act* as "a new body for institutional governance" he stated that

"The creation of the education council ... will enable faculty, students and support staff to participate formally and meaningfully in education decision-making..." Hon. Dan Miller, British Columbia, Legislative Assembly, *Hansard*, Vol.15, No. 24 (June 1, 1994)

By challenging the actions of the VCC Board and administration, post-secondary educators were protecting the rights and responsibilities given to us by legislation. We helped to formulate these sections of the *Act* and we must continue to protect them, no matter what other issues or battles we face.

-Cindy Oliver  
FPSE President

*This article was written with assistance from  
Frank Cosco of the VCCFA, FPSE Local 15.*



**Vera Carswell, Frank Dolman (retired FSA member) and Marna LeVae at the 2005 Welcome Back BBQ.**



## CAUT TRAVEL ADVISORY - TRAVELING TO THE UNITED STATES

**Your rights at the border****1. Land Borders**

When traveling by land to the United States, you have to enter into US territory before you arrive at the customs and immigration office. Once there, you are under the exclusive jurisdiction of the laws of the United States. You are not subject to the Canadian Charter of rights and Freedoms or to any other Canadian legislation.

**2. Preclearance at Airports**

Crossing into the United States through a Canadian airport affords significant rights to the traveler, whether Canadian or a foreign national. The major airports in Canada with direct flights to the USA have preclearance areas; usually attached to their in-transit areas. The preclearance areas are staffed by Preclearance Officers (PCO). The officer's role is to pre-clear travelers, goods, and means of transportation through US customs and immigration.

The preclearance areas in airports are on Canadian soil and governed by Canadian law. Although the PCO's are US federal Employees, their actions in Canada and in the preclearance areas are governed by Canadian legislation known as the 1999 Preclearance Act.

**2.1 Court of Competent Jurisdiction**

Any criminal matter arising out of an incident with a traveler in a preclearance area, must be dealt with by Canadian courts. No provision of American law that would not be criminal under Canadian law may be administered in Canada. Criminal matters must be dealt with by Canadian authorities under Canadian law.

No civil action can be brought against a PCO in respect to anything that is done or omitted to be done by the officer under the Preclearance Act. Personal injury caused by a PCO acting outside of the jurisdiction of the Act may be pursued criminally. You cannot appeal to a Canadian court on a refusal by a PCO to allow a traveler to continue to the United States.

Anyone traveling to the United States through a Canadian airport, either traveling directly from Canada or transiting through Canada, must report for US customs and immigration inspection. If, after examining a traveler's luggage or mode of transportation, the PCO wishes for the traveler to enter into the preclearance area, they have the right to compel the traveler to enter the preclearance area, they have the right to compel the traveler to enter the preclearance area and to obtain the assistance of Canadian Peace Officers to make the traveler comply.

Once entering the preclearance area, the traveler will be questioned by a PCO. The traveler has the right not to answer questions by the PCO. If the traveler chooses not to answer the questions of the PCO, the PCO can refuse to allow the traveler to continue to the United States.

The traveler is then free to leave the preclearance area unless the PCO has reasonable grounds to believe that the traveler has committed an offence under section 33 or 34 of the 1999 Preclearance Act. (Simply not answering the PCO's questions does not constitute reasonable grounds to believe that an offence has been committed under section 33 or 34 of the Act.)

**s.33(1)**

*Every person who makes an oral or written statement to a preclearance officer with respect to the preclearance of the person or any goods for entry into the United States that the person knows to be false or deceptive or to contain information that the person knows is false or deceptive is guilty of an offence punishable on summary conviction and liable to a maximum fine of \$5,000.*

(If a person is convicted in a Canadian court of a violation of s.33 of the Act, the sentence does not constitute a criminal record.)

**s.34**

*Every person who resists or willfully obstructs a preclearance officer or a Canadian officer in the execution of the officer's duty or any person lawfully acting in aid of such an officer*

- a) is guilty of an indictable offence and liable to imprisonment for a term of not more than two years, or
- b) is guilty of an offence punishable on summary conviction.

A conviction under s.34 will result in a criminal record for the traveler unless they receive a conditional or absolute discharge.

**2.2 Detention and Use of Force**

PCO's are authorized to use as much force as necessary, if while acting on reasonable grounds they are doing what is authorized under the Act. However, PCO's are not to use force intended or likely to cause grievous bodily harm or death unless they have reasonable grounds to believe that it is necessary to protect a person from either grievous bodily harm or death.

**2.3 Searches**

A PCO is authorized to conduct two types of searches: a frisk search which is a manual or electronic search of a traveler's clothed body and a strip search which means a visual inspection of a traveler's naked body. Neither type of search can be conducted on a member of the opposite sex. A PCO or any other officer or designate cannot observe a strip search of a person of the opposite sex.



# THE FREEDOM TO PUBLISH-CAUT BRIEFING TO ACADEMIC STAFF ASSOCIATIONS

## Introduction

A commitment to the unfettered transmission of knowledge is a core value in the academic community. Scholarship, education and research are best served by the unconstrained sharing of information. This openness has been challenged at various times by religious, political, state and commercial interests. Today, with growing concerns about terrorism, there is a resurgence in demands for research secrecy from the state. As universities and colleges are increasingly encouraged to commercialize, pressure is also growing to accommodate the need for secrecy - a need arising from a desire to deter competition, suppress negative product information or ensure patentability of research results.

## The Problem of Secrecy

The desire for secrecy has lead external sponsors of academic research to impose, as a condition of funding, contractual restrictions on the publication rights of researchers. This climate of secrecy reduces collegial interaction amongst faculty and students and places a chill on peer evaluation and the presentation of new knowledge at conferences, public seminars and in journals. At its worst, the trend towards secrecy has manifested itself in attempts to suppress research that produces commercially unfavourable results. For academic staff, restrictions on publication rights can have negative career implications, especially in rapidly advancing fields where even minimal publication delays can have deleterious consequences.

## Existing Contract and Policy Language

To gain an appreciation of publication rights at universities and colleges, CAUT worked with its member associations to survey relevant contract and policy language from institutions across Canada. The material was examined to determine if protection for the freedom to publish was provided, and if affirmation of open scholarly communication was counterbalanced with language legitimizing restrictions on publication.

## Collective Agreement Language

In the survey CAUT was able to review relevant contract language and policy documents from 27 institutions. We found that academic staff associations at a number of institutions have negotiated language that seeks to protect the right to publish. Protection, in the form of a general affirmation of the right to publish, was most frequently inserted into intellectual property articles, although it also appears in academic freedom and rights and responsibilities articles as well.

On its face, the language is often very strong. At Queen's University, for example, the collective agreement provides:

## Article 14 - Academic Freedom

14.2 c) Members have the right to publish the results of their research without interference or censorship by the institution, its agents or others.

The specific language at Carleton University and the University of New Brunswick appears to reflect an employer interest in open scholarly communication:

## Carleton University - Article 15.5 - Rights and Responsibilities as a Scholar/Researcher

(d) It is unethical for members of the academic staff to enter into any agreement that infringes their freedom to publish the results of research conducted within Carleton University precincts or under Carleton University auspices. Notwithstanding this, they may agree to delay, for a specified period of time, publication of the results of sponsored or contract research, provided that this condition is agreed to by Carleton University.

## University of New Brunswick - Article 16A.05 - Research, Scholarly or Creative Activity

It is the responsibility of faculty members to make the results of their research, scholarly or creative activity in their discipline available for review and assessment in a form in which it can be evaluated. Therefore, the results and conclusions of research, scholarly or creative activity shall normally be made accessible to the scholarly and general public through publication, public lectures or other means appropriate to their area of expertise. When contract research is to be performed using University facilities, the prior written authorization of the University of New Brunswick for such use is required. Faculty members may agree to delay for a specified period of time the dissemination of the results of contract research which uses University facilities, only if such delay is authorized by the University of New Brunswick in writing. Any such authorization may not involve indefinite delay of the dissemination of results.

Unfortunately, this kind of language contains vulnerabilities. The shortcoming in the article from Queen's is that the right to publish is presented as one that is available if the academic staff member chooses to enforce it. The difficulty with this model is that it leaves the member vulnerable to coercion to acquiesce to restrictions on publication. If the member is presented with a choice between funding with restrictions on publication or no funding at all, the collective agreement right to publish may prove to be of theoretical interest and not of practical use.

The second two examples, from Carleton and University of New Brunswick, both contain excellent language expressing the university



community's commitment to open scholarly communication. Unfortunately, this general commitment is followed by explicit authorization of near open-ended delays in publication.

## University Policy

The vast majority (all but 2) of the policy documents we gathered through our survey allowed for publication delays. These delays ranged from 3 to 24 months (with an average of 14 months), although at two institutions no maximum delay was set. In addition, half of these institutions allowed further extensions to the initial delay. With one exception (an extension in the initial delay of 12 months to 24 months was permitted) these further delays were of an unlimited duration.

The policy documents at issue typically take the form of a strong statement of principle supporting open scholarly communication, followed by a series of exceptions to the principle.

The University of Guelph's Publication Policy is one example:

### 2. PUBLICATION POLICY FOR SPONSORED RESEARCH

#### 2.1 General Policy

- a) Because the dissemination of knowledge is a primary function of the University of Guelph, all sponsored research grants and contracts administered by the University of Guelph will be of such a nature that the results obtained may be freely published.
- b) The University prohibits secret research.
- c) For the purpose of this document, publication is defined as placing information in the public domain in a reproducible form.

#### 2.2 Deferment of Publication

- a) Sponsors of research grants or contracts may request deferment of publication of the results obtained beyond the date of submission of the final report of the researcher.

Deferment of publication may arise from a request by an official agency to await the publication of a government report. Industrial sponsors may request that publication be temporarily deferred to protect commercial or industrial rights arising out of the research.

- b) Deferment of publication may be granted if:
  - i) the deferment period is compatible with the estimated date of successful defence of the thesis when the research constitutes part of the academic studies of the graduate student;
  - ii) deferment does not exceed a period of more than twelve months from the date of submission of the final report to the sponsor.

- c) In special circumstances, the Vice-President Research may grant a request to defer publication for a period longer than twelve months from the date of submission of the final report to the sponsor but in no circumstances shall such deferment exceed twenty-four months.

As noted above, the publication delays sanctioned by policies such as Guelph's typically range from 12 to 24 months, often with the possibility of extension. In some cases they place no maximum limit on the delay.

The policies provide that the calculation of the delay commences with the completion of the research project. Thus, while the stated delay may be 12 or 24 months, the actual prohibition on publication is for a considerably longer period of time. By having the delay commence at the end of the project, these policies serve to prevent academic staff members from publishing the results of ongoing research.

As with the collective agreement language, existing university policy does not adequately protect open scholarly communication. At best it attempts to mitigate the most flagrant abuses. At worst, it is part of a process designed to make restrictions on the right of scholars to publish their work a normal part of the academic environment.

While the language of such policies is not encouraging on its face, the actual practice in universities may be even less satisfactory. In a study published in the *New England Journal of Medicine* (October 24, 2002 - Vol. 347, No. 17, page 1335) Schulman *et al* found that U.S. academic institutions rarely ensure that their academic staff have the right to publish their findings when dealing with external research funders. The authors also noted that respondents to their survey indicated that they felt powerless in their contract negotiations with external sponsors.

## Solutions

What is required is the negotiation of collective agreement language and the adoption of institutional policy that specifically prohibits restrictions on publication.

In collective agreements, the first protection necessary is one that ensures prompt publication upon the completion of research.

### X.X Freedom to Publish

The University is an open environment for the pursuit of scholarly work. Academic freedom and critical inquiry depend on the communication of the findings and results of intellectual investigation. The Employer shall not interfere with a member's freedom to publish the results of scholarly inquiry and research, except



and results of intellectual investigation. The Employer shall not interfere with a member's freedom to publish the results of scholarly inquiry and research, except for limitations imposed by duly constituted university research ethics boards.

The Employer shall refuse to enter into or administer any research agreement or grant that allows the funders or other third party to infringe on members' freedom to publish the results of research, except where, to statutorily protect intellectual property, a maximum publication delay of sixty days from the conclusion of a research project may be accepted.

The second protection required is one that enshrines the right of academic staff to disclose, out of concern for public safety, information arising from ongoing research:

### **X.X Freedom to Disclose Risks**

Members shall have an absolute right to publicly disclose information about risks to research participants or the general public or threats to the public interest that become known in the course of their research.

Universities and colleges must also adopt or amend policy along the same lines, with specific Senate or Academic Council declarations that:

- Their institution and any party with which it enters a relationship shall not interfere with the freedom to publish research, except for limitations imposed by duly constituted University/College Research Ethics Boards.
- Their institution shall not enter into or administer any research requiring permission or approval of government, industry or other sponsors for the researchers to publish the results of their work. The only exception shall be a publication delay of no more than sixty days from the conclusion of a research project to allow the statutory protection of intellectual property.
- Members of the academic community shall have an absolute right to disclose publicly information about risks to research participants or the general public or threats to the public interest that become known in the course of their research.

### **Conclusion**

Academic staff must protect those things which make their institutions such rare and important places. In this struggle, the preservation of open scholarly communication is among the highest priorities.

Contract and policy language such as suggested above transforms a theoretical right to publish into an actual ban on the suppression of research findings and unreasonable publication delay. It transfers the burden of defending the core values of universities and colleges from the individual staff member to the institution as a whole.

### *CAUT Travel Advisory...from page 12*

A PCO can carry out a frisk search if he/she suspects, on reasonable grounds, that the traveler is carrying anything that would present a danger to human life or safety; or is carrying anything that would afford evidence of a violation of s.33 of the Act.

A person can be detained by a PCO and strip searched if he/she believes that it is necessary for the same reasons as above: that is, the traveler is carrying anything that would present a danger to human life or safety; or is carrying anything that would afford evidence of a violation of s.33 of the Act.

The traveler must be informed that he/she is entitled to be taken in front of a senior officer for a decision on whether it is necessary for a strip search and if the traveler so requests, he/she must be taken in front of the senior officer. The senior officer may direct the traveler to be searched only if the senior officer suspects on reasonable grounds that it is necessary to conduct a strip search to determine if the traveler is carrying anything that would present a danger to human life or safety; or is carrying anything that would afford evidence of a violation of s.33 of the Act.

However, in the circumstances of a strip search, the PCO has to, prior to the search, and without delay, call a Canadian officer to conduct the strip search. If there is no member of the same sex to conduct the search, the PCO or the Canadian officer may designate any suitable same-sex person to conduct the search. The PCO may be present for the strip search of a traveler of the same sex.

If a PCO detains a traveler for violation of s.33 of the Act or for an offence under any act of Parliament that could be punishable by summary conviction or indictment, (this would include s.34 of the Act, but this wording is much broader) the traveler must be turned over to a Canadian peace officer as soon as possible.

### **2.4 Right to Walk Away**

If at any point during the preclearance process, a traveler decides against seeking entrance to the United States, he/she can simply advise the PCO of that fact and leave the preclearance area and exit the airport *unless* the PCO suspects the traveler of violating section 33 or 34 of the Preclearance Act. In that case, the traveler can be prevented from leaving and must be turned over to a Canadian Peace Officer.

### **3. Summary**

Generally speaking, if a US official suspects that a traveler has committed an offence under US legislation, the traveler can be detained if crossing a land border and subject to US law. However, if the same suspicions arise at a Canadian airport, the US official (the PCO) has to turn the traveler over to a Canadian official, and the Canadian official may lay charges if it is determined that there is sufficient grounds to lay a charge in Canada under Canadian law. The matter would be adjudicated before Canadian courts.



## FSA NOTES & NOTICES

### WHATEVER HAPPENED TO BEV?

Bev Lowen left UCFV shortly after stepping down from her post as FSA president. Those who remember her will be happy to know she has taken a job with the BCIT FSA as a grievance officer. This is a full time job with the Union there, and Bev has moved to the big smoke, getting a lovely apartment just next to Simon Fraser University.

Bev says she is really happy in her new job. She says the issues are similar to the ones we deal with here, although she says that since they don't have a Barry the approach there is somewhat different and more formal. She will be back to see her parents, children and grandchildren in Cultus Lake frequently.

-Tim Cooper

### Mark your calendar!



### Christmas Party

*Saturday, December 3, 2005*

Best Western Mission City Lodge

### P.S. FROM THE EDITOR...

In the spirit of shameless of self-promotion, for those not sick and tired of editorial meanderings, my book, *Black Teeth* — a soul-searching, stomach-churning, sidesplitting collection of immigrant and other tales — is now in the bookstore. IMHO it's a fine choice for scary Halloween or heartwarming Xmas/Saturnalia reading or gift giving!

-R

## THE FSA EXECUTIVE FOR 2005/2006

ABBOTSFORD OFFICE LOCALS: .....	4530, 4475
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Faculty Vice-President .....	NORM TAYLOR ..... 4225
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Human Rights .....	CHERYL DAHL ..... 4515
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Social Convener .....	LISA GOWER ..... 4691

### Words & Vision:

**Newsletter of the University College of the Fraser Valley Faculty & Staff Association....**

Editor: Ryszard Dubanski  
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**Contributions and ideas are welcome from all Members:**

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## FSA - MEMBERSHIP FEEDBACK - WE NEED YOUR INPUT!

As you know, UCFV awaits a decision by Victoria as to whether or not we will receive a designation as a regional, 'special purpose' university, following the path taken by the University College of the Cariboo when it became Thompson Rivers University. We need to know where the Membership stands on this important issue.

The Executive has discussed this matter and is inclined to write a letter of support for this proposed university designation. The FSA's letter of support would become part of a UCFV-led lobbying campaign for a new status that will allow us to better serve our region and our students; it would not indicate acceptance of any particular arrangements that might come to be after designation, as all issues that arise relating to labour/management relations under a university designation will be subject to FSA negotiation.

Having said this, and recognizing that there are many important questions to be decided after designation, we would like to gather a preliminary sense of how you feel about the FSA taking any public stance on the matter.

So please answer the following three questions, by e-mail to [fsavote@ucfv.ca](mailto:fsavote@ucfv.ca), with the term '*Designation*' in the Subject Line, or snail mail this to the Abbotsford FSA office c/o Carol Dickson.

1. **At this time, I am generally in favour of UCFV pursuing University status.**

☐

Agree

☐

Disagree

2. **At this time, I am in favour of the Executive expressing support for the designation campaign.**

☐

Agree

☐

Disagree

3. **What, for you, are the most contentious issues concerning the designation? List them or provide a brief paragraph of explanation.**

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Your feedback on questions #1 and #2 will tabulated, and the results of responses to #3 shared by the Executive so we can best be informed to represent your interests. By the way, don't forget we are all free to respond to the Government as individuals with letters of support or not in this matter.

*-The Executive*



